UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

# NOTICE OF DOCUMENT DISCREPANCIES

FILED
2008 AUG -4 PM 12: 13
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

TO: ☑ U. S. DISTRICT JUDGE / ☐ U. S. MAGISTRATE JUDGE Moskowitz

FROM: R. Mullin, Deputy Clerk RECEIVED DATE: 7/28/2008

CASE NO.: 08cv1177 BTM (NLS) DOCUMENT FILED BY: Petitioner

CASE TITLE: Stewart v. Yates

DOCUMENT ENTITLED: Motion for IFP

Upon the submission of the attached document(s), the following discrepancies are noted:

| ✓ | *Local Rule* | *Discrepancy* |
|---|---|---|
| ☐ | 5.1 | Missing time and date on motion and/or supporting documentation |
| ☐ | 5.3 | Document illegible or submitted on thermal facsimile paper |
| ☐ | **5.4** | **Document not filed electronically. Notice of Noncompliance already issued.** |
| ☐ | 7.1 or 47.1 | Date noticed for hearing not in compliance with rules/Document(s) are not timely |
| ☐ | 7.1 or 47.1 | Lacking memorandum of points and authorities in support as a separate document |
| ☐ | 7.1 or 47.1 | Briefs or memoranda exceed length restrictions |
| ☐ | 7.1 | Missing table of contents |
| ☐ | 15.1 | Amended pleading not complete in itself |
| ☐ | 30.1 | Depositions not accepted absent a court order |
| ☐ | | Supplemental documents require court order |
| ☐ | | Default Judgment in sum certain includes calculated interest |
| X | | **OTHER: Motion already granted.** |

**Date forwarded:** 7/29/2008

## ORDER OF THE JUDGE / MAGISTRATE JUDGE

**IT IS HEREBY ORDERED:**

☐ The document is to be filed nunc pro tunc to date received.

☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☐ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: BTM

Dated: 8/1/08

By: [signature]

cc: All Parties

K:\COMMON\FORMS\CIVCRM35.WPD
Form # Civ/Crim 35 (4/98) -- [Docuument Discrepancy / Court Order]

Willie Stewart Jr.
PLAINTIFF/PETITIONER/MOVANT'S NAME

P14596
PRISON NUMBER

Pleasant Valley State Prison
PLACE OF CONFINEMENT

P.O. Box 8501
Coalinga, California 93210
ADDRESS

REJECTED

# United States District Court
## Southern District Of California

Willie Stewart Jr., Plaintiff/Petitioner/Movant

v.

James Yates, Warden, Defendant/Respondent

Civil No. 08cv1177-BTM (NLS)
(TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

**MOTION AND DECLARATION UNDER PENALTY OF PERJURY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS**

I, Willie Stewart Jr.,
declare that I am the Plaintiff/Petitioner/Movant in this case. In support of my request to proceed without prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this proceeding or give security because of my poverty, and that I believe I am entitled to redress.

**In further support of this application, I answer the following question under penalty of perjury:**

1. Are you currently incarcerated? ☑ Yes ☐ No (If "No" go to question 2)
   If "Yes," state the place of your incarceration Pleasant Valley State Prison
   Are you employed at the institution? ☐ Yes ☑ No
   Do you receive any payment from the institution? ☐ Yes ☑ No
   [Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust account statement from the institution of your incarceration showing at least the last six months transactions.]